

ARTICLE 4.1. REGULATION OF WASTES CONTAINING PCBs**RULE 1. GENERAL PROVISIONS****329 IAC 4.1-1-1 ----- General provisions: applicability**

This article applies to a person who disposes of solid or liquid waste containing PCBs.

[As added at: 23 IR 3073.]

329 IAC 4.1-1-2 ----- General provisions: enforcement

This article is enforced under IC 13-14-2-6 or IC 13-30-3, or both. No date contained in the federal regulations incorporated by reference in this article shall be construed to allow or require retroactive enforcement of this article.

[As added at: 23 IR 3073.]

329 IAC 4.1-1-3 ----- General provisions: penalties

Penalties for violations of this article are listed in IC 13-20-15-7.

[As added at: 23 IR 3073.]

329 IAC 4.1-1-4 ----- General provisions: variances

The commissioner may grant a variance from compliance with the provisions of this article in accordance with IC 13-14-8-8.

[As added at: 23 IR 3074.]

329 IAC 4.1-1-5 ----- General provisions: dilution

No person may avoid any provision specifying a PCB concentration by diluting the PCBs unless otherwise specifically provided.

[As added at: 23 IR 3074.]

329 IAC 4.1-1-6 ----- General provisions: incorporation by reference

(a) When incorporated by reference in this article, references to 40 CFR 264 and 40 CFR 761 shall mean the version of that publication revised as of July 1, 1999.

(b) Sales of the Code of Federal Regulations are handled by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. The telephone number for the Government Printing Office is (202) 512-1800. The incorporated materials are available for public review at the Indiana Department of Environmental Management, Office of Solid and Hazardous Waste Management, Indiana Government Center-North, 100 North Senate Avenue, Eleventh Floor West, Indianapolis, Indiana.

(c) Table 1 shows documents referenced in 40 CFR 761 and the updated versions of those documents that must be used to comply with this article.

Table 1.

Version Referenced in 40 CFR 761	Version to be Used	Source
40 CFR 136 as amended in 41 FR 52779 on December 1, 1976	40 CFR 136, revised as of July 1, 1999	1
"Thermal Processing and Land Disposal of Solid Waste" (39 FR 29337, Aug. 14, 1974)	40 CFR 240, revised as of July 1, 1999; 40 CFR 257, revised as of July 1, 1999; and 40 CFR 258, revised as of July 1, 1999	1
U.S. Department of Transportation (DOT) or U.S. Postal Service (USPS) shipping requirements, found respectively in 49 CFR 173.345 and U.S. Postal Regulations 652.2 and 652.3	49 CFR 172, revised as of October 1, 1999	1
ASTM Standard D91-90	ASTM Standard D93-99	2
ASTM Standard D129-64	ASTM Standard D129-95	2
ASTM Standard D240-87	ASTM Standard D240-92 (Reapproved 1997) ^{E1}	2
ASTM Standard E258-67 (Reapproved 1987)	ASTM Standard E258-67 (Reapproved 1996) ^{E1}	2
ASTM Standard D482-87	ASTM Standard D482-95	2
ASTM Standard D524-88	ASTM Standard D524-97	2
ASTM Standard D808-87	ASTM Standard D808-95	2
ASTM Standard D923-86 or ASTM Standard D923-89	ASTM Standard D923-97	2
ASTM Standard D1266-87	ASTM Standard D1266-98	2
ASTM Standard D1796-83 (Reapproved 1990)	ASTM Standard D1796-97	2
ASTM Standard D2158-89	ASTM Standard D2158-97	2
ASTM Standard D2709-88	ASTM Standard D2709-96 ^{E1}	2
ASTM Standard D2784-89	ASTM Standard D2784-98	2
ASTM Standard D3178-84	ASTM Standard D3178-89 (Reapproved 1997)	2
ASTM Standard D3278-89	ASTM Standard D3278-96 ^{E1}	2
ASTM Standard D4059	ASTM Standard D4059-96	2
"Visual Standard No. 2, Near-White Blast Cleaned Surface Finish", of the National Association of Corrosion Engineers (NACE)	Joint Surface Preparation Standard NACE No. 2/SSPC-SP 10 "Near-White Metal Blast Cleaning", Approved October 1994	3
"Visual Standard No. 3, Commercial Blast Cleaned Surface Finish", of the National Association of Corrosion Engineers (NACE)	Joint Surface Preparation Standard NACE No. 3/SSPC-SP 6 "Commercial Blast Cleaning", Approved October 1994	3
Source 1: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20460, telephone (202) 512-1800.		
Source 2: American Society for Testing and Materials, Customer Services, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, telephone (610) 832-9555.		
Source 3: NACE International, P.O. Box 218340, Houston, Texas 77218-8340, telephone (281) 228-6200; or Steel Structures Painting Council, 4516 Henry Street, Suite 301, Pittsburgh, Pennsylvania 15213-3728, telephone (412) 687-1113.		

(d) Table 2 shows documents referenced in 40 CFR 761 with no specified edition and provides the date of the edition that must be used to comply with this article.

Table 2.		
Document Referenced in 40 CFR 761	Edition to be Used	Source
SW-846 or "Test Methods for Evaluating Solid Waste, Physical Chemical Methods", U.S. Environmental Protection Agency Publication SW-846	Third Edition (November 1986), as amended by Updates I (July 1992), II (September 1994), IIIA (August 1993), IIIB (January 1995), and III (December 1999)	1
Occupational Safety and Health Standards, 29 CFR 1910.106, Flammable and combustible liquids	Revised as of July 1, 1999	1
40 CFR 60 (referred to as part 60 of this chapter)	Revised as of July 1, 1999	1
40 CFR 112 (referred to as part 112 of this title)	Revised as of July 1, 1999	1
40 CFR 112.1(d)(2)	Revised as of July 1, 1999	1
40 CFR 112.4	Revised as of July 1, 1999	1
40 CFR 122 (referred to as part 122 of this chapter)	Revised as of July 1, 1999	1
40 CFR 264.143 (referred to as section 264.143 of this chapter)	Revised as of July 1, 1999	1
40 CFR 264.151 (referred to as section 264.151 of this chapter)	Revised as of July 1, 1999	1
40 CFR 264.175 (referred to as section 264.175 of this chapter)	Revised as of July 1, 1999	1
40 CFR 266, Subpart H (referred to as part 266, subpart H of this chapter)	Revised as of July 1, 1999	1
40 CFR 270.66 (referred to as section 270.66 of this chapter)	Revised as of July 1, 1999	1
DOT Hazardous Materials Regulations at 49 CFR parts 171 through 180	Revised as of October 1, 1999	1
49 CFR Chapter I, Subchapter C	Revised as of September 30, 1991	1
49 CFR 171.14	Revised as of October 1, 1999	1
"Verification of PCB Spill Cleanup by Sampling and Analysis", Midwest Research Institute	"Verification of PCB Spill Cleanup by Sampling and Analysis", U.S. Environmental Protection Agency Publication EPA-560/5-85-026, August 1985	2
"Field Manual for Grid Sampling of PCB Spill Sites to Verify Cleanup", Midwest Research Institute	"Field Manual for Grid Sampling of PCB Spill Sites to Verify Cleanup", U.S. Environmental Protection Agency Publication EPA-560/5-86-017, May 1986	2
"Wipe Sampling and Double Wash/Rinse Cleanup as Recommended by the Environmental Protection Agency PCB Spill Cleanup Policy", dated June 23, 1987 and revised on April 18, 1991	"Wipe Sampling and Double Wash/Rinse Cleanup as Recommended by the Environmental Protection Agency PCB Spill Cleanup Policy", June 23, 1987, revised and clarified on April 18, 1991	2
Source 1: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, telephone (202) 512-1800.		
Source 2: TSCA Technical Information Service, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, telephone (202) 554-1404.		

[As added at: 23 IR 3074.]

RULE 2. DEFINITIONS**329 IAC 4.1-2-1 ----- Definitions: applicability; incorporation by reference**

(a) The definitions in IC 13-11-2 apply to this article. In addition to the definitions in IC 13-11-2, the definitions in this rule apply throughout this article.

(b) The definitions at 40 CFR 761.3 are incorporated by reference, except as provided otherwise in section 2 of this rule.

(c) 40 CFR 761.3 is available for viewing and copying at the Indiana Department of Environmental Management, Office of Solid and Hazardous Waste Management, Indiana Government Center-North, 100 North Senate Avenue, Eleventh Floor West, Indianapolis, Indiana.

(d) The Code of Federal Regulations is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The telephone number for the Superintendent of Documents is (202) 512-1800.

[As added at: 23 IR 3075.]

329 IAC 4.1-2-2 ----- Definitions: exceptions and additions

Exceptions and additions to the definitions in 40 CFR 761.3 are as follows:

(1) Delete the definition of “person” and substitute the definition at IC 13-11-2-158(a).

(2) Delete the definition of “PCB and PCBs” and substitute the definition of PCB at IC 13-11-2-155.

[As added at: 23 IR 3075.]

329 IAC 4.1-2-3 ----- Definitions: “alternative disposal facility” defined

“Alternative disposal facility” means a facility that:

(1) separates, processes, recovers, treats, transfers, or disposes of PCB waste; and

(2) is not one (1) of the following:

(A) A chemical waste landfill.

(B) An incinerator.

(C) A high efficiency boiler.

(D) A mobile facility.

(E) A generator of PCB waste.

An alternative disposal facility is an alternative method of destroying PCBs as described in 40 CFR 761.60(e).

[As added at: 23 IR 3075.]

329 IAC 4.1-2-4 ----- Definitions: “EPA” defined

“EPA” means the United States Environmental Protection Agency.

[As added at: 23 IR 3075.]

329 IAC 4.1-2-5 ----- Definitions: “mobile facility” defined

“Mobile facility” means machinery, equipment, or vehicles of any nature that are used or intended to be used at more than one (1) location for the:

(1) separation;

(2) processing;

(3) recovery, as defined at 329 IAC 10-2-149; or

(4) treatment;

of PCBs in a material or waste containing PCBs.

[As added at: 23 IR 3076.]

329 IAC 4.1-2-6 ----- Definitions: “municipal solid waste landfill” or “MSWLF” defined

“Municipal solid waste landfill” or “MSWLF” has the meaning as set forth at 329 IAC 10-2-116.

[As added at: 23 IR 3076.]

329 IAC 4.1-2-7 ----- Definitions: “municipal solid waste landfill unit” or “MSWLF unit” defined

“Municipal solid waste landfill unit” or “MSWLF unit” has the meaning as set forth at 329 IAC 10-2-117.

[As added at: 23 IR 3076.]

329 IAC 4.1-2-8 ----- Definitions: “nonmunicipal solid waste landfill” defined

“Nonmunicipal solid waste landfill” has the meaning as set forth at 329 IAC 10-2-121.

[As added at: 23 IR 3076.]

329 IAC 4.1-2-9 ----- Definitions: “single location” defined

“Single location” means an aggregation of one (1) or more facilities that are located on one (1) piece of property or on contiguous or adjacent properties, and that are owned or operated by the same person.

[As added at: 23 IR 3076.]

RULE 3. CONVERSION OF TERMS**329 IAC 4.1-3-1 ----- Conversion of federal terms**

When used in 40 CFR 264, Subpart D, and 40 CFR 761, as incorporated by reference in this article, substitute the following unless otherwise indicated:

- (1) “Act” means the environmental management laws as defined at IC 13-11-2-71.
- (2) “Administrator” or “assistant administrator” means the commissioner of the Indiana department of environmental management.
- (3) “Agency” means the Indiana department of environmental management.
- (4) “Director”, “director, chemical management division”, or “director, CMD” means the commissioner of the Indiana department of environmental management.
- (5) “Environmental protection agency” or “EPA” means the Indiana department of environmental management.
- (6) “He” means he or she, without regard to gender.
- (7) “Notification requirements of Section 3010” means the notification requirements of this article.
- (8) “RCRA permit” means state hazardous waste permit.
- (9) “Regional administrator” means the commissioner of the Indiana department of environmental management.
- (10) “She” means he or she, without regard to gender.
- (11) “State”, “authorized state”, “approved state”, and “approved program” means Indiana.
- (12) “United States” means the state of Indiana.

[As added at: 23 IR 3076.]

RULE 4. REQUIREMENTS FOR DISPOSAL OF WASTE CONTAINING PCBs

329 IAC 4.1-4-1 ----- Requirements for disposal of waste containing PCBs: requirements for storage and disposal incorporated by reference

(a) 40 CFR 761, Subpart D, consisting of 40 CFR 761.50 through 40 CFR 761.79, is incorporated by reference, except as provided otherwise in section 2 of this rule.

(b) 40 CFR 761, Subpart D is available for viewing and copying at the Office of Solid and Hazardous Waste Management, Indiana Government Center-North, 100 North Senate Avenue, Eleventh Floor West, Indianapolis, Indiana.

(c) The Code of Federal Regulations is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The telephone number for the Superintendent of Documents is (202) 512-1800.

[As added at: 23 IR 3076.]

329 IAC 4.1-4-2 ----- Requirements for disposal of waste containing PCBs: exceptions and additions

Exceptions and additions to 40 CFR 761, Subpart D, are as follows:

- (1) Delete 40 CFR 761.60(b)(2)(iii)(B).
- (2) Delete 40 CFR 761.60(b)(2)(iv)(B).
- (3) Delete 40 CFR 761.60(b)(2)(v).
- (4) In 40 CFR 761.60(b)(2)(vi), delete “large PCB capacitors or”.
- (5) Delete 40 CFR 761.60(f)(1)(iii).
- (6) In 40 CFR 761.65(b), delete “After July 1, 1978”.
- (7) Delete 40 CFR 761.65(d)(1).

[As added at: 23 IR 3076.]

RULE 5. PCB SPILL CLEANUP POLICY

329 IAC 4.1-5-1 ----- PCB spill cleanup policy: incorporated by reference

(a) 40 CFR 761, Subparts G and M through T are incorporated by reference, except as provided otherwise in section 2 of this rule.

(b) 40 CFR 761, Subparts G and M through T are available for viewing and copying at the Indiana Department of Environmental Management, Office of Solid and Hazardous Waste Management, Indiana Government Center-North, 100 North Senate Avenue, Eleventh Floor West, Indianapolis, Indiana.

(c) The Code of Federal Regulations is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The telephone number for the Superintendent of Documents is (202) 512-1800.

[As added at: 23 IR 3077.]

329 IAC 4.1-5-2 ----- PCB spill cleanup policy: exceptions and additions

Exceptions and additions to 40 CFR 761, Subparts G and M through T are as follows:

- (1) In 40 CFR 761.398(a), delete “the Director, National Program Chemicals Division (NPCD), (7404), Office of Pollution Prevention and Toxics, 401 M.St., SW., Washington, DC” and substitute “the commissioner”.
- (2) In 40 CFR 761.398(a), delete “From time to time, the Director of NPCD will confirm the use of validated new decontamination solvents and publish the new solvents and validated decontamination procedures in the FEDERAL REGISTER”.

[As added at: 23 IR 3077.]

RULE 6. PCB WASTE DISPOSAL RECORDS AND REPORTS**329 IAC 4.1-6-1 ----- Requirements for PCB waste disposal records and reports: incorporated by reference**

(a) 40 CFR 761, Subpart K, consisting of 40 CFR 761.202 through 40 CFR 761.218, is incorporated by reference, except as provided otherwise in section 2 of this rule.

(b) 40 CFR 761, Subpart K is available for viewing and copying at the Indiana Department of Environmental Management, Office of Solid and Hazardous Waste Management, Indiana Government Center-North, 100 North Senate Avenue, Eleventh Floor West, Indianapolis, Indiana.

(c) The Code of Federal Regulations is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The telephone number for the Superintendent of Documents is (202) 512-1800.

[As added at: 23 IR 3077.]

329 IAC 4.1-6-2 ----- Requirements for PCB waste disposal records and reports: exceptions and additions

Exceptions and additions to 40 CFR 761, Subpart K, are as follows:

- (1) Delete 40 CFR 761.202(c).
- (2) In 40 CFR 761.205(a)(1), delete “April 4, 1990” and substitute a date six (6) months after the effective date of this article.
- (3) In 40 CFR 761.205(b), delete “April 4, 1990” and substitute a date six (6) months after the effective date of this article.
- (4) In 40 CFR 761.205(d), delete “Chief, Operations Branch (7404), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460” and substitute “Indiana Department of Environmental Management, Office of Solid and Hazardous Waste Management, P.O. Box 6015, Indianapolis, Indiana 46206-6015”.
- (5) Delete 40 CFR 761.207(b). The manifest described in 329 IAC 3.1-7 and available from the department must not be used for manifesting of PCB shipments. Generators may use copies of EPA Form 8700-22 from any other source to comply with this article.
- (6) In 40 CFR 761.202(b), delete “After June 4, 1990”.
- (7) In 40 CFR 761.211(a), delete “After April 4, 1990”.

[As added at: 23 IR 3077.]

RULE 7. INCINERATORS AND HIGH EFFICIENCY BOILERS**329 IAC 4.1-7-1 ----- Incinerators and high efficiency boilers: applicability**

This rule applies to incinerators and high efficiency boilers required to be approved by the commissioner under 329 IAC 4.1-4-1, that incorporates 40 CFR 761.60 and 40 CFR 761.70 by reference.

[As added at: 23 IR 3078.]

329 IAC 4.1-7-2 ----- Incinerators and high efficiency boilers: general

Incinerators and high efficiency boilers must comply with 329 IAC 4.1-4 through 329 IAC 4.1-6.

[As added at: 23 IR 3078.]

329 IAC 4.1-7-3 ----- Incinerators and high efficiency boilers: location restrictions

(a) An incinerator or high efficiency boiler must comply with all zoning and location restrictions of the political subdivision in which the facility is located, if any are imposed.

(b) The owner or operator shall provide documentation that all required zoning and other local approvals, if any are required, have been obtained before written approval is requested under 329 IAC 4.1-4-1, that incorporates 40 CFR 761.60 and 40 CFR 761.70 by reference, is requested. Documentation that all required zoning and other local approvals, if any are required, have been obtained may include the following:

- (1) A copy of the zoning requirements, if any, for solid waste facilities in the area where the facility is to be located.
- (2) A copy of the improvement location permit or occupancy permit issued by the zoning authority having jurisdiction for the site, if a solid waste land disposal facility is permitted by the zoning ordinance in the area where the facility is to be located.
- (3) A copy of the amendment to the zoning ordinance adopted under IC 36-7-4-901 et seq., if a change in the zone maps is required for the area where the facility is to be located.
- (4) A copy of the amendment to the zoning ordinance adopted under IC 36-7-4-901 et seq., if such amendment is required for the area where the facility is to be located.
- (5) A copy of the variance, special exception, special use, contingent use, or conditional use approved under IC 36-7-4-921 et seq., if such approval is required for the area where the facility is to be located.
- (6) The status of any appeal of any zoning determination as described in subdivisions (2) through (5) and, if none is pending, the date by which the appeal must be initiated.

(c) The owner or operator of an incinerator or high efficiency boiler shall not dredge or fill wetlands, except in compliance with an appropriate permit required by Section 404 of the Clean Water Act, as amended (33 U.S.C. 1344).

[As added at: 23 IR 3078.]

329 IAC 4.1-7-4 ----- Incinerators and high efficiency boilers: public notice and public participation

Each applicant submitting a request for approval for an incinerator or high efficiency boiler under 329 IAC 4.1-4-1 shall comply with the public notice and public participation requirements in 329 IAC 10-12-1 as follows:

- (1) For an incinerator or high efficiency boiler for which construction was started prior to the effective date of this article, the owner or operator shall comply with 329 IAC 10-12-1 before starting operation under this article.
- (2) For an incinerator or high efficiency boiler for which construction is started on or after the effective date of this article, the owner or operator shall comply with 329 IAC 10-12-1 before beginning construction.

[As added at: 23 IR 3078.]

329 IAC 4.1-7-5 ----- Incinerators and high efficiency boilers: notice of activity

(a) The owner or operator of an incinerator or high efficiency boiler shall notify the following at least thirty (30) days before beginning any storage, separation, processing, recovery, treatment, or disposal of waste containing PCBs:

- (1) Indiana Department of Environmental Management, Office of Solid and Hazardous Waste Management, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206-6015.
- (2) The county health department for the county in which the facility is located.

- (3) The emergency management director and the local emergency planning committee for the county in which the facility is located.
- (4) The fire department with jurisdiction over the facility.

(b) Upon completion of any separation, processing, recovery, or treatment of PCB waste regulated under this article, the owner or operator of an incinerator or high efficiency boiler shall provide written notification to the department that the waste no longer contains PCBs. This notification must include either:

- (1) PCB disposal notification; or
- (2) analytical documentation demonstrating that the PCBs were destroyed.

[As added at: 23 IR 3078.]

RULE 8. CHEMICAL WASTE LANDFILLS

329 IAC 4.1-8-1 ----- Chemical waste landfills: applicability

This rule applies to chemical waste landfills required to be approved by the commissioner under 329 IAC 4.1-4-1, that incorporates 40 CFR 761.75(c) by reference.

[As added at: 23 IR 3079.]

329 IAC 4.1-8-2 ----- Chemical waste landfills: general

A chemical waste landfill must comply with 329 IAC 4.1-4 through 329 IAC 4.1-6.

[As added at: 23 IR 3079.]

329 IAC 4.1-8-3 ----- Chemical waste landfills: location restrictions

(a) A chemical waste landfill must comply with the location restrictions in 329 IAC 10-16 that apply to a new MSWLF or MSWLF unit permitted under 329 IAC 10, except that the reduction of setback distances in 329 IAC 10-16-12 does not apply to a chemical waste landfill.

(b) The owner or operator shall provide documentation that all required zoning and other local approvals, if any are required, have been obtained before written approval is requested under 329 IAC 4.1-4-1, that incorporates 40 CFR 761.75(c) by reference, is requested. Documentation that all required zoning and other local approvals, if any are required, have been obtained may include the following:

- (1) A copy of the zoning requirements, if any, for solid waste facilities in the area where the facility is to be located.
 - (2) A copy of the improvement location permit or occupancy permit issued by the zoning authority having jurisdiction for the site, if a solid waste land disposal facility is permitted by the zoning ordinance in the area where the facility is to be located.
 - (3) A copy of the amendment to the zoning ordinance adopted under IC 36-7-4-901 et seq., if a change in the zone maps is required for the area where the facility is to be located.
 - (4) A copy of the amendment to the zoning ordinance adopted under IC 36-7-4-901 et seq., if such amendment is required for the area where the facility is to be located.
 - (5) A copy of the variance, special exception, special use, contingent use, or conditional use approved under IC 36-7-4-921 et seq., if such approval is required for the area where the facility is to be located.
 - (6) The status of any appeal of any zoning determination as described in subdivisions (2) through (5) and, if none is pending, the date by which the appeal must be initiated.
- (c) The owner or operator of a chemical waste landfill shall not dredge or fill wetlands,

except in compliance with an appropriate permit required by Section 404 of the Clean Water Act, as amended (33 U.S.C. 1344).

[As added at: 23 IR 3079.]

329 IAC 4.1-8-4 ----- Chemical waste landfills: public notice and public participation

Each applicant submitting a request for approval for a chemical waste landfill under 329 IAC 4.1-4-1, that incorporates 40 CFR 761.75(c) by reference, shall comply with the public notice and public participation requirements in 329 IAC 10-12-1.

[As added at: 23 IR 3079.]

329 IAC 4.1-8-5 ----- Chemical waste landfills: notice of activity

(a) The owner or operator of a chemical waste landfill shall notify the following at least thirty (30) days before beginning any storage, separation, processing, recovery, treatment, or disposal of waste containing PCBs:

- (1) Indiana Department of Environmental Management, Office of Solid and Hazardous Waste Management, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206-6015.
- (2) The county health department for the county in which the facility is located.
- (3) The emergency management director and the local emergency planning committee for the county in which the facility is located.
- (4) The fire department with jurisdiction over the facility.

(b) Upon completion of any separation, processing, recovery, or treatment of PCB waste regulated under this article, the owner or operator of a chemical waste landfill shall provide written notification to the department that the waste no longer contains PCBs. This notification must include either:

- (1) PCB disposal notification; or
- (2) analytical documentation demonstrating that the PCBs were destroyed.

[As added at: 23 IR 3079.]

RULE 9. ALTERNATIVE DISPOSAL FACILITIES

329 IAC 4.1-9-1 ----- Alternative disposal facilities: applicability

This rule applies to alternative disposal facilities required to be approved under 329 IAC 4.1-4-1, that incorporates 40 CFR 761.60(e) by reference.

[As added at: 23 IR 3080.]

329 IAC 4.1-9-2 ----- Alternative disposal facilities: general

(a) The owner or operator of an alternative disposal facility must receive written approval by the commissioner as follows:

- (1) For an alternative disposal facility for which construction was started prior to the effective date of this article, written approval must be received from the commissioner before starting operation under this article.
- (2) For an alternative disposal facility for which construction is started on or after the effective date of this article, written approval must be received from the commissioner before beginning construction.

(b) The owner or operator of an alternative disposal facility shall provide to the department a copy of the written approval from EPA required by 40 CFR 761.60(e).

(c) The owner or operator of an alternative disposal facility shall comply with the requirements of 329 IAC 4.1-4 through 329 IAC 4.1-6.

[As added at: 23 IR 3080.]

329 IAC 4.1-9-3 ----- Alternative disposal facilities: location restrictions

(a) An alternative disposal facility must comply with all zoning and location restrictions of the political subdivision in which the facility is located, if any are imposed.

(b) The owner or operator shall provide documentation that all required zoning and other local approvals, if any are required, have been obtained before written approval is requested under 329 IAC 4.1-4-1, that incorporates 40 CFR 761.60(e) by reference, is requested. Documentation that all required zoning and other local approvals, if any are required, have been obtained may include the following:

- (1) A copy of the zoning requirements, if any, for solid waste facilities in the area where the facility is to be located.
- (2) A copy of the improvement location permit or occupancy permit issued by the zoning authority having jurisdiction for the site, if a solid waste land disposal facility is permitted by the zoning ordinance in the area where the facility is to be located.
- (3) A copy of the amendment to the zoning ordinance adopted under IC 36-7-4-901 et seq., if a change in the zone maps is required for the area where the facility is to be located.
- (4) A copy of the amendment to the zoning ordinance adopted under IC 36-7-4-901 et seq., if such amendment is required for the area where the facility is to be located.
- (5) A copy of the variance, special exception, special use, contingent use, or conditional use approved under IC 36-7-4-921 et seq., if such approval is required for the area where the facility is to be located.
- (6) The status of any appeal of any zoning determination as described in subdivisions (2) through (5) and, if none is pending, the date by which the appeal must be initiated.

(c) The owner or operator of an alternative disposal facility shall not dredge or fill wetlands, except in compliance with an appropriate permit required by Section 404 of the Clean Water Act, as amended (33 U.S.C. 1344).

[As added at: 23 IR 3080.]

329 IAC 4.1-9-4 ----- Alternative disposal facilities: public notice and public participation

Each applicant submitting a request for approval of an alternative disposal facility under 329 IAC 4.1-4-1, that incorporates 40 CFR 761.60(e) by reference, shall comply with the public notice and public participation requirements in 329 IAC 10-12-1, as follows:

- (1) For an alternative disposal facility for which construction was started prior to the effective date of this article, the owner or operator shall comply with 329 IAC 10-12-1 before beginning storage, separation, processing, recovery, or treatment of PCB waste under this article.
- (2) For an alternative disposal facility for which construction is started on or after the effective date of this article, the owner or operator shall comply with 329 IAC 10-12-1 before beginning construction of the facility.

[As added at: 23 IR 3080.]

329 IAC 4.1-9-5 ----- Alternative disposal facilities: notice of activity

(a) The owner or operator of an alternative disposal facility shall notify the following at least thirty (30) days before beginning any storage, separation, processing, recovery, treatment, or disposal of waste containing PCBs:

- (1) Indiana Department of Environmental Management, Office of Solid and Hazardous Waste Management, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206-6015.
- (2) The county health department for the county in which the facility is located.

- (3) The emergency management director and the local emergency planning committee for the county in which the facility is located.
- (4) The fire department with jurisdiction over the facility.

(b) Upon completion of any separation, processing, recovery, or treatment of PCB waste regulated under this article, the owner or operator of an alternative disposal facility shall provide written notification to the department that the waste no longer contains PCBs. This notification must include either:

- (1) PCB disposal notification; or
- (2) analytical documentation demonstrating that the PCBs were destroyed.

[As added at: 23 IR 3080.]

RULE 10. MOBILE FACILITIES

329 IAC 4.1-10-1 --- Mobile facilities

(a) A mobile facility that operates for one hundred eighty (180) days or less in a single location must comply with the following requirements:

- (1) 40 CFR 761, Subpart D, incorporated by reference at 329 IAC 4.1-4-1.
- (2) The requirements of 329 IAC 4.1-4 through 329 IAC 4.1-6, except the requirement to obtain approval from the commissioner under this article if the facility has obtained approval from the EPA under 40 CFR 761.60(e).

(b) A mobile facility that operates for more than one hundred eighty (180) days in a single location must comply with the following requirements:

- (1) 40 CFR 761, Subpart D, incorporated by reference at 329 IAC 4.1-4-1.
- (2) 329 IAC 4.1-4 through 329 IAC 4.1-6.
- (3) The mobile facility must comply with one (1) of the following:
 - (A) 329 IAC 4.1-7 for an incinerator or a high efficiency boiler.
 - (B) 329 IAC 4.1-8 for a chemical waste landfill.
 - (C) 329 IAC 4.1-9 for an alternative disposal facility.
- (4) The owner or operator of the mobile facility shall comply with the public notice and public participation requirements in 329 IAC 10-12-1 before continuing operations under this article.

(c) The owner or operator of a mobile facility shall do the following:

- (1) Provide to the department a copy of the written approval from EPA.
- (2) Notify the following at least thirty (30) days before beginning an activity regulated under this article:
 - (A) Indiana Department of Environmental Management, Office of Solid and Hazardous Waste Management, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206-6015.
 - (B) The county health department for the county in which the activity takes place.
 - (C) The emergency management director and the local emergency planning committee for the county in which the facility is located.
 - (D) The fire department with jurisdiction over the facility.

(d) Upon completion of an activity regulated under this article, the owner or operator of a mobile facility shall provide written notification to the department that the waste no longer contains PCBs. This notification must include either:

- (1) PCB disposal notification; or
- (2) analytical documentation demonstrating that the PCBs were destroyed.

[As added at: 23 IR 3081.]

RULE 11. CONTINGENCY PLAN**329 IAC 4.1-11-1 ---- Contingency plan: incorporation by reference**

(a) 40 CFR 264, Subpart D, consisting of 40 CFR 264.50 through 40 CFR 264.56, is incorporated by reference, except as provided in subsection (d).

(b) 40 CFR 264, Subpart D is available for viewing and copying at the Office of Solid and Hazardous Waste Management, Indiana Government Center-North, Eleventh Floor West, 100 North Senate Avenue, Indianapolis, Indiana.

(c) The Code of Federal Regulations is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The telephone number for the Superintendent of Documents is (202) 512-1800.

(d) Delete 40 CFR 264.50.

[As added at: 23 IR 3081.]

329 IAC 4.1-11-2 ---- Contingency plan: requirements

(a) The owner or operator of:

- (1) an incinerator or high efficiency boiler;
- (2) a chemical waste landfill;
- (3) an alternative disposal facility; or
- (4) a mobile facility;

shall prepare and maintain a contingency plan in accordance with 40 CFR 264.51 through 40 CFR 264.54.

(b) The contingency plan must:

- (1) be designed to minimize hazards to human health and the environment from fires, explosions, or any unplanned sudden or nonsudden release of PCB waste to the air, soil, surface water, or ground water; and
- (2) meet the requirements of 40 CFR 264.51 through 40 CFR 264.54.

(c) The person required to prepare a contingency plan shall provide copies of the contingency plan to the:

- (1) local emergency planning committee; and
- (2) the emergency management director;

for the county in which the facility is located before operation of the facility begins.

[As added at: 23 IR 3082.]

329 IAC 4.1-11-3 ---- Contingency plan: use of contingency plan

The owner or operator of a facility described in section 2(a) of this rule shall carry out the provisions of the contingency plan immediately whenever there is a fire, explosion, or release of PCB waste that could threaten human health or the environment.

[As added at: 23 IR 3082.]

329 IAC 4.1-11-4 ---- Contingency plan: emergency coordinator

(a) The owner or operator of a facility described in section 2(a) of this rule shall designate an employee as the emergency coordinator as required in 40 CFR 264.55.

(b) The emergency coordinator shall carry out the duties described in 40 CFR 264.56 that are appropriate for the facility.

[As added at: 23 IR 3082.]

RULE 12. FINANCIAL ASSURANCE**329 IAC 4.1-12-1 --- Financial assurance: general**

Owners or operators of the following types of facilities shall comply with the financial assurance requirements in 329 IAC 3.1-15:

- (1) An incinerator or high efficiency boiler.
- (2) A chemical waste landfill.
- (3) An alternative disposal facility.

[As added at: 23 IR 3082.]

RULE 13. DISPOSAL OF WASTES CONTAINING OR CONTAMINATED WITH PCBs IN SOLID WASTE LAND DISPOSAL FACILITIES REGULATED UNDER 329 IAC 10**329 IAC 4.1-13-1 --- PCB disposal: in MSWLF units or nonmunicipal solid waste landfill units**

(a) A person who disposes of waste containing or contaminated with PCBs in a MSWLF unit or a nonmunicipal solid waste landfill unit shall comply with all requirements of:

- (1) 40 CFR 761, Subpart D, as incorporated by reference at 329 IAC 4.1-4; and
- (2) 329 IAC 10-8.1.

(b) In addition to the requirements of subsection (a), person who disposes of any waste containing PCBs in a MSWLF unit that does not meet the design requirements of 329 IAC 10-17 or a nonmunicipal solid waste landfill shall:

- (1) obtain written authorization from the commissioner prior to disposal of any quantity of the waste; and
- (2) comply with any conditions in the written authorization by the commissioner.

(c) In addition to the requirements of subsection (a), person who disposes of a waste listed in Table 1 in a MSWLF unit that meets the design requirements of 329 IAC 10-17 shall:

- (1) obtain written authorization from the commissioner prior to disposal of any quantity of the waste; and
- (2) comply with any conditions in the written authorization by the commissioner.

Table 1.
Waste that contains PCBs at a concentration less than 50 ppm PCBs, resulting from a source that had a PCB concentration greater than or equal to 50 ppm PCBs.
Slime or sludge containing inadvertently generated PCBs.

(d) Instead of following the requirements of subsections (a) through (c) of this section, a person who disposes of a waste that contains PCBs at a concentration of less than fifty (50) parts per million resulting from a source that had a PCB concentration less than fifty (50) parts per million PCBs in a MSWLF unit or a nonmunicipal solid waste landfill unit shall provide a signed letter to the landfill stating that the PCB concentration in the source was less than fifty (50) parts per million PCBs.

(e) Fluorescent light ballasts containing PCBs that are leaking or no longer intact must be disposed of in accordance with 40 CFR 761.62(a) or 40 CFR 761.62(c).

(f) Nonleaking fluorescent light ballasts containing PCBs must be disposed of as follows:

- (1) Dispose of the ballasts only in a MSWLF unit that meets the design requirements of 329 IAC 10-17.

- (2) Place the ballasts in a container that meets the packaging requirements in 40 CFR 761.60(b)(2)(iv) as incorporated by reference in 329 IAC 4.1-4.
- (3) Fill the interstitial space in the container with absorbent material capable of absorbing all liquid content of the ballasts and capacitors.
- (4) Segregate containers of fluorescent light ballasts from organic liquids disposed of in the landfill unit.
- (5) Before compacting with heavy equipment, cover containers of fluorescent light ballasts with a layer of:
 - (A) daily cover material;
 - (B) alternative daily cover material; or
 - (C) solid waste;that is thick enough to prevent crushing of the containers.
- (6) Collect leachate from the landfill unit and monitor the leachate for PCBs.
- (7) Comply with all applicable requirements of 329 IAC 10-8.1.
- (g) Nonleaking fluorescent light ballasts containing PCBs must not be disposed of in a MSWLF unit that does not meet the design requirements of 329 IAC 10-17.

[As added at: 23 IR 3082.]

329 IAC 4.1-13-2 --- PCB disposal: in other solid waste land disposal facilities

Wastes containing or contaminated with PCBs must not be disposed of in:

- (1) a construction/demolition site as defined at 329 IAC 10-2-36; or
- (2) a restricted waste site as defined at 329 IAC 10-2-159.

[As added at: 23 IR 3083.]

WASTE RULES